

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HERBERT APONTE,	:	CIVIL ACTION NO. 3:21-CV-1567
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
ATTORNEY GENERAL OF PENNSYLVANIA,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 25th day of October, 2021, upon consideration of the report (Doc. 4) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss petitioner Herbert Aponte’s petition (Doc. 1) for writ of habeas corpus for lack of subject matter jurisdiction, and the court noting Aponte has not objected to the report, see FED. R. CIV. P. 72(b)(2), and further noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court

agreeing with Judge Saporito's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Saporito's report (Doc. 4) is ADOPTED.
2. Aponte's petition (Doc. 1) for writ of habeas corpus is DISMISSED.
3. Aponte's motion (Doc. 5) for leave to proceed *in forma pauperis* is DENIED as moot.
4. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c); see also 28 U.S.C. § 2254 Rule 11(a).
5. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania